
Judiciary Committee

HB 1862

Title: An act relating to services provided by hosting jurisdictions.

Brief Description: Regarding services provided by hosting jurisdictions.

Sponsors: Representatives Ormsby, Driscoll, Parker, Shea and Wood.

Brief Summary of Bill

- Authorizes a city to provide a portion of its municipal court services, including judicial positions and judicial support services, through a contract with the county or with other cities (called the hosting jurisdiction).
- Provides that a hosting jurisdiction has concurrent jurisdiction over matters subject to the contract for judicial services.
- Provides that judicial positions filled through a contract with a hosting jurisdiction are not subject to statutes governing the qualifications and manner of appointment or election of municipal judges.

Hearing Date: 2/9/09

Staff: Edie Adams (786-7180)

Background:

Municipal courts are courts of limited jurisdiction that hear cases involving infractions or crimes that are violations of city ordinances. A judge of the municipal court serves a four-year term and must be an attorney admitted to practice law in Washington. A municipal court judge must be a resident of the county in which the court resides, but does not need to be a resident of the city in which the court is created. However, in a municipal court with a part-time judge where a commissioner has not been appointed, the part-time judge does not have to be a resident of the county where the court is located.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A full-time municipal court judge position (35 hours per week) must be filled by election. Additional positions that are by themselves, or in combination, equal to more than one-half of a full-time judge position must also be filled by election. Part-time judge positions may be filled by appointment or election at the option of the city. The city may appoint a district judge as its municipal judge if the municipal judge position is part-time.

Cities are responsible for the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenders in their respective jurisdictions. A city may meet this responsibility by establishing its own independent municipal court or by entering into an interlocal agreement for court services with the county or with one or more cities. The city or county providing court services to a city through an interlocal agreement is called the hosting jurisdiction. A hosting jurisdiction has exclusive original jurisdiction over cases filed by the contracting city.

Summary of Bill:

A city may contract with a hosting jurisdiction for the delivery of either judicial services or judicial support services, or both. "Judicial services" means the service of a judge, judge pro tem, or court commissioner. "Judicial support services" means the services of court clerks, bailiffs, court administrators, probation positions, or other judicial administrative support personnel.

A city is authorized to contract with a hosting jurisdiction for some, but not all, of the judicial needs of the city. A city may provide some of its own judicial support services or fill in one or more judicial positions while at the same time contracting with a hosting jurisdiction for any all remaining judicial support services or judicial positions.

Judicial positions filled through a contract for judicial services with a hosting jurisdiction are not subject to statutes governing the qualifications and residency requirements for municipal judges statutes specifying the terms and manner of appointment or election of municipal judges.

A hosting jurisdiction is given concurrent, rather than exclusive, jurisdiction for all matters subject to a contract for judicial services between the hosting jurisdiction and the contracting city.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.